H_Dispute Resolution

Statement of Dispute Resolution between Kwiyagatu Community Academy and Charter School Institute

Except as otherwise provided in section 22-30.5-108 or agreed upon replacement policy , any disputes that may arise between a Kwiyagatu Community Academy (KCA) and the Charter School Institute (CSI) shall be resolved pursuant to these agreements.

KCA and CSI initiate a resolution to any dispute concerning a governing policy provision of the school's charter contract by providing reasonable written notice to the other party of an intent to invoke this section. Such notice shall include, at a minimum, a brief description of the matter in dispute and the scope of the disagreement between the parties.

Within thirty days after receipt of the written notice described in paragraph (a) of this subsection (2), KCA and CSI shall agree to use any form of alternative dispute resolution to resolve the dispute, including but not limited to any of the forms described in the "Dispute Resolution Act", part 3 of article 22 of title 13, C.R.S.; except that any form chosen by the parties shall result in final written findings by a neutral third party within one hundred twenty days after receipt of such written notice.

The neutral third party shall apportion all costs reasonably related to the mutually agreed upon dispute resolution process. KCA and CSI may agree to be bound by the written findings of the neutral third party resulting from any alternative dispute resolution. In such case, such findings shall be final and not subject to appeal.

If the parties do not agree to be bound by such written findings of the neutral third party, the parties may appeal such findings to the state board. A party who wishes to appeal such findings shall provide the state board and the other party with a notice of appeal within thirty days after the release of such findings, and the notice of appeal shall contain a brief description of the grounds for appeal. The state board may consider said written findings or other relevant materials in reaching its decision and may, on its own motion, conduct, after sufficient notice, a de novo review of and hearing on the underlying matter.

The state board shall:

(a) Issue its decision on the written findings of the neutral third party resulting from any alternative dispute resolution entered within sixty days after receipt of the notice of appeal; or

(b) Make its own findings within sixty days after making its own motion for a de novo review and hearing.

If the state board, after motion by one of the parties and sufficient notice and hearing, finds that either of the parties to an alternative dispute resolution process held pursuant to this section has failed to participate in good faith in such process or has refused to comply with the decision reached after agreeing to be bound by the result of such process, the state board shall resolve the dispute in favor of the aggrieved party.

Any decision by the state board pursuant to this section shall be final and not subject to appeal.